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Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOUND ACTION, FRIENDS OF THE)
SAN JUANS, AND WASHINGTON)
ENVIRONMENTAL COUNCIL,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES ARMY CORPS OF)
ENGINEERS,)
)
Defendant.)
_____)

No. 18-cv-00733-JLR

STIPULATED MOTION AND
ORDER OF DISMISSAL

NOTED FOR APRIL 16, 2020

In view of the Court’s October 30, 2019, order, granting the motion for voluntary remand filed by the United States Army Corps of Engineers (the “Corps”), and the Corps’ voluntary actions in response to that remand, the Corps moves the Court for entry of an order dismissing this case with prejudice.¹ This dismissal is subject only to the Court retaining jurisdiction to

¹ The Corps notes that, in its previously-filed Status Report (Doc. No. 43, p. 3), the Corps informed the Court of its plan to hold a public outreach event at its Seattle Offices on March 19, 2020. In view of public health concerns associated with COVID-19, the Corps rescheduled that event for June 4, 2020.

STIPULATED MOTION AND ORDER OF
DISMISSAL

1 review and resolve any petition for attorneys’ fees and costs that Plaintiffs Sound Action, et al.,
2 may file under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The Corps reserves
3 the right to oppose any such petition for fees and costs on any grounds.

4 To afford the Parties an opportunity to pursue a settlement of such a fee petition, they
5 propose the following proceedings: Plaintiffs file a motion for fees and costs within 30 days of
6 the date of an order of dismissal and a concurrent motion to stay all briefing (including Plaintiffs’
7 opening memorandum) on the motion for fees and costs for 90 days in order to facilitate
8 settlement discussions. Plaintiffs’ motion for fees and costs shall identify the full amount
9 Plaintiffs seek and shall include a breakdown of the attorney hours Plaintiffs used to develop
10 such amount. Provided this motion for fees and costs is filed within this 30-day period, the
11 Corps stipulates that it will not contest the timeliness or completeness of Plaintiffs’ motion for
12 fees and costs, for purposes of satisfying the 30-day filing period in EAJA.
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15 Plaintiffs stipulate to this motion and proposed order.
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29 STIPULATED MOTION AND ORDER OF
DISMISSAL

ORDER DISMISSING CASE

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2 Based on this stipulated motion, and for good cause shown, it is hereby ORDERED on
3 this 17th day of April, 2020, that this case is DISMISSED with prejudice. The
4 Court will retain jurisdiction only to review and resolve any motion for attorneys' fees and costs
5 that Plaintiffs Sound Action, et al., may file under the Equal Access to Justice Act, 28 U.S.C.
6 § 2412. The Corps reserves the right to oppose any such petition for fees and costs on any
7 grounds.
8

9 Plaintiffs shall file a motion for fees and costs within 30 days of the date of this order of
10 dismissal and a concurrent motion to stay all briefing (including Plaintiffs' opening
11 memorandum) on the motion for fees and costs for 90 days in order to facilitate settlement
12 discussions between the Parties.
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17 U.S. District Court Judge
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STIPULATED MOTION AND ORDER OF
DISMISSAL

1 Stipulated to by:

2 /S/ David Kaplan

3 David J. Kaplan
4 Attorney for Federal Defendant
5 United States Department of Justice
6 Environmental Defense Section
7 P.O. Box 7611
8 Washington, D.C. 20044
9 (202) 514-0997
10 David.kaplan@usdoj.gov

11 BRIAN T. MORAN
12 United States Attorney
13 BRIAN KIPNIS
14 Assistant United States Attorney
15 700 Stewart Street, Suite 5220
16 Seattle, WA 98101-1271
17 *Attorneys for Defendant*

18 /S/ Anna Sewell

19 Anna Sewell (WSB # 48736)
20 Earthjustice
21 1001 G Street NW, Suite 1000
22 Washington, DC 20001
23 (202) 797-5233 | Phone
24 asewell@earthjustice.org

25 Jan Hasselman (WSB # 29107)
26 Earthjustice
27 810 Third Avenue, Suite 610
28 Seattle, WA 98104
29 (206) 343-7340 | Phone
jhasselman@earthjustice.org
Attorneys for Plaintiffs

STIPULATED MOTION AND ORDER OF
DISMISSAL

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing filing was electronically filed with the Clerk of the Court on April 16, 2020, using the Court's electronic filing system, which will send notification of said filing to the attorneys of record that have, as required, registered with the Court's system.

/S/ David Kaplan