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Dakota Resource Council

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

DAKOTA RESOURCE COUNCIL)	
)	Case No. 1:12-cv-064
Plaintiff,)	
)	
v.)	PLAINTIFFS' MOTION FOR
)	SUMMARY JUDGMENT
)	
NORTH DAKOTA PUBLIC SERVICE)	
COMMISSION)	
)	
Defendant.)	

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff moves the court for summary judgment on all issues raised in the complaint.

The grounds for the motion are as follows:

The undisputed material facts in this case prove that Plaintiff is entitled to judgment as a matter of law on the basis that Defendant violated the Surface Mining Control and Reclamation Act by failing to submit state program amendments in writing in writing to the Director of the U.S. Office of Surface Mining and implementing these amendments without formal written review by the federal Office of Surface Mining.

This motion is based on Plaintiff's Brief in Support of Motion for Summary Judgment, including Plaintiff's Statement of Undisputed Facts, and the pleadings. Defendant has filed no administrative record. Plaintiff moves for summary judgment in favor of Plaintiff, declaratory judgment and an order to compel compliance.

Respectfully submitted this 12th day of November, 2012.

/s/ Carrie La Seur

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CERTIFICATE OF SERVICE

I certify that on the 12th day of November, 2012, Baumstark Braaten Law Partners served copies of the attached document by CM/ECF as follows:

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