

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WESTERN ORGANIZATION OF)
RESOURCE COUNCILS and)
FRIENDS OF THE EARTH,)

Plaintiffs,)

v.)

SALLY JEWELL, in her capacity as)
Secretary of the Interior,)
DEPARTMENT OF THE INTERIOR,)
NEIL KORNZE, in his capacity as)
Director, Bureau of Land Management,)
BUREAU OF LAND MANAGEMENT,)

Defendants,)

STATE OF NORTH DAKOTA,)

Intervenor-Defendant.)

Case No. 1:14-cv-01993-RBW

**[PROPOSED] ORDER GRANTING STATE OF NORTH DAKOTA’S
MOTION TO DISMISS**

This matter comes before the Court on the State of North Dakota’s motion to dismiss the Complaint filed by Western Organization of Resource Councils and Friends of the Earth’s (collectively, “Plaintiffs”) for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). The State of North Dakota has demonstrated that the Department of Interior and the Bureau of Land Management have no legal duty to supplement the 1979

programmatic environmental impact statement for the federal coal management program. Thus, Plaintiffs have stated no claim upon which relief may be granted. The Court hereby grants the State of North Dakota's motion to dismiss.

Dated this ____ day of _____, 2015.

District Judge

List of Parties to Be Notified of Order

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