

District Judge Richard A. Jones

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON, *et al.*

Plaintiffs,

v.

The UNITED STATES DEPARTMENT OF
THE NAVY, *et al.*,

Defendants,

No. 2:19-cv-01059

**[PROPOSED] ORDER GRANTING FEDERAL
DEFENDANTS’ REQUEST FOR REMAND
WITHOUT VACATUR**

THIS MATTER is before the Court upon Plaintiffs Paula Spina’s and Citizens of the Ebey’s Reserve for a Healthy, Safe & Peaceful Environment’s (together with Ms. Spina, “*COER*”) Brief on Remedy, ECF No. 128, Plaintiff State of Washington’s (together with *COER*, “*Plaintiffs*”) Initial Brief on Remedy, ECF No. 129, and Federal Defendants’¹ Response Brief as to Remedy, ECF No. 135. Having considered the briefs, and finding good cause therefore, the Court hereby **GRANTS** Federal Defendants’ request for remand without vacatur. This matter is hereby remanded to the Navy for further proceedings in keeping with Federal Defendants’ brief.

¹ Federal Defendants are United States Department of the Navy, United States Fish and Wildlife Service, Lloyd J. Austin, III, in his official capacity, Thomas W. Harker, in his official capacity, James D. Balocki, in his official capacity, and Captain Eric S. Hanks, in his official capacity (collectively, the “*Navy*”).

1 The Clerk of the Court is directed to enter judgment in favor of Plaintiffs on the grounds
2 set forth in Order Adopting Report and Recommendation, ECF No., 119, and to enter judgement
3 for Federal Defendants on all other grounds as set forth in that Order.

4 DATED this ____ day of _____, 2022.

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7 _____
8 United States District Judge
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10 Presented by:

11 TODD KIM
12 Assistant Attorney General

13 By: /s/ Gregory M. Cumming
14 Gregory M. Cumming
15 United States Department of Justice
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17 Natural Resources Section
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CERTIFICATE OF SERVICE

I certify that on November 22, 2022, I served a copy of the foregoing on counsel of record electronically through the court’s CM/ECF system.

By: /s/ Gregory M. Cumming
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