

1 Gabriel S. Galanda, WSBA #30331
Anthony S. Broadman, WSBA #39508
2 Galanda Broadman, PLLC
4024B NE 95th Street/P.O. Box 15146
3 Seattle, WA 98115
(206) 691-3631

The Honorable Edward F. Shea

4 Attorneys for the Confederated Tribes and
5 Bands of the Yakama Nation

7 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

8 CONFEDERATED TRIBES AND
9 BANDS OF THE YAKAMA NATION,
a federally-recognized Indian tribal
10 government and as *parens patriae* on
behalf of the Enrolled Members of the
11 Confederated Tribes and Bands of the
Yakama Nation; et al.;

NO. CV-10-3050-EFS

ORDER
GRANTING TRIBAL
PLAINTIFFS' MOTION TO
DISMISS BY COURT ORDER

12 Plaintiffs,

13 v.

14 UNITED STATES DEPARTMENT OF
15 AGRICULTURE et al.;

16 Defendants.

17
18 BEFORE the Court is Tribal Plaintiffs' Motion to Dismiss, without
19 prejudice, pursuant to Fed. R. Civ. Proc. 41(a)(2). Having reviewed said Motion
20 and the file and pleadings therein, the Court deems itself otherwise fully advised in
21 the premises. Accordingly,
22

23 IT IS HEREBY ORDERED:

24 Tribal Plaintiffs' Motion to Dismiss without prejudice is GRANTED.
25
26
27

1 The Clerk's Office is directed to enter this Order and judgment dismissing
2 the lawsuit without prejudice, provide copies of such to counsel, and close the file.
3

4 Plaintiffs have reserved all rights to file a petition for attorneys' fees, and
5 may do so after the 60-day time for filing an appeal of this Order has run.
6

7 DATED this 5th day of October 2011.
8

9 s/ Edward F. Shea
10 The Honorable Edward F. Shea
11 United States District Court Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UNITED STATES DISTRICT COURT
Eastern District of Washington

CONFEDERATED TRIBES AND BANDS OF THE
YAKAMA NATION, a federally-recognized Indian tribal
government and as parens patriae on behalf of the Enrolled
Members of the Confederated Tribes and Bands of the
Yakama Nation; et al.; Plaintiffs,

JUDGMENT IN A CIVIL CASE

v.

UNITED STATES DEPARTMENT OF AGRICULTURE
et al.,

CASE NUMBER: CV-10-3050-EFS

Defendants.

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment is entered without prejudice pursuant to the Order Granting Tribal Plaintiffs' Motion to Dismiss By Court Order entered on October 6, 2011, ECF No. 106.

October 6, 2011

Date

JAMES R. LARSEN

Clerk
s/ Cora Vargas

(By) Deputy Clerk
Cora Vargas

EXHIBIT K124 at 3

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION, a federally-recognized Indian tribal government and as *parens patriae* on behalf of the Enrolled Members of the Confederated Tribes and Bands of the Yakama Nation; FRIENDS OF THE COLUMBIA GORGE, a non-profit corporation; NORTHWEST ENVIRONMENTAL DEFENSE CENTER, a non-profit corporation; COLUMBIA RIVERKEEPER, a non-profit corporation; DAWN STOVER, a Washington resident; and DANIEL LICHTENWALD, a Washington resident,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF AGRICULTURE, UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE; TOM VILSACK, Secretary of the United States Department of Agriculture; and CINDY SMITH, Administrator of the United States Department of Agriculture Animal and Plant Health Inspection Service,

Defendants.

No. CV-10-3050-EFS

ORDER GRANTING NON-TRIBAL PLAINTIFFS AND DEFENDANTS' JOINT MOTION TO DISMISS BY COURT ORDER

By joint motion filed October 27, 2011, Plaintiffs Friends of Columbia Gorge, Northwest Environmental Defense Center, Columbia

EXHIBIT K124 at 4

1 Riverkeeper, Dawn Stover, and Daniel Lichtenwald (collectively "Non-
2 Tribal Plaintiffs") and all Defendants agree that the Non-Tribal
3 Plaintiffs' claims against Defendants may be dismissed without prejudice
4 pursuant to Federal Rule of Civil Procedure 41(a)(2). ECF No. 108.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. The Non-Tribal Plaintiffs and Defendants' Joint Motion to
7 Dismiss by Court Order, **ECF No. 108**, is **GRANTED**.

8 2. The Non-Tribal Plaintiffs' claims are **DISMISSED** without
9 prejudice.

10 3. The case caption is **AMENDED** as follows:

11 CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION, a
12 federally-recognized Indian tribal government and as
parens patriae on behalf of the Enrolled Members of the
13 Confederated Tribes and Bands of the Yakama Nation,

14 Plaintiff,

15 v.

16 UNITED STATES DEPARTMENT OF AGRICULTURE, UNITED STATES
17 DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH
18 INSPECTION SERVICE; TOM VILSACK, Secretary of the United
19 States Department of Agriculture; and CINDY SMITH,
Administrator of the United States Department of
Agriculture Animal and Plant Health Inspection Service,

20 Defendants.

21 **IT IS SO ORDERED.** The District Court Executive is hereby directed
22 to enter this Order and furnish copies to counsel.

23 **DATED** this 28th day of October 2011.

24 _____
s/ Edward F. Shea

EDWARD F. SHEA

25 UNITED STATES DISTRICT JUDGE

26 Q:\Civil\2010\3050.nont.settle.lcl.frm

EXHIBIT K124 at 5