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## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

## ELIZABETH E. MORRIS and ALAN C. BAKER,

Case No. 3:13-CV-00336-BLW

**MOTION FOR SUMMARY JUDGMENT** 

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS, <u>et al.</u>,

Defendants.

Defendants, the United States Army Corps of Engineers ("Corps"); John McHugh, Secretary

of the Army; Lieutenant General Thomas Bostick, U.S. Army Chief of Engineers and

Commanding General of the Corps; Brigadier General John S. Kem, Commander of the

Northwestern Division of the Corps; and Lieutenant Colonel Andrew D. Kelly, District Engineer

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and Commander of the Walla Walla District of the Corps (collectively, "Corps" or "Defendants"), by undersigned counsel, hereby move for summary judgment pursuant to Federal Rule of Civil Procedure 56. Attached hereto is a memorandum of points and authorities in support of this motion.

Dated: May 19, 2014

Respectfully submitted,

STUART F. DELERY Assistant Attorney General

WENDY J. OLSON United States Attorney

JOANNE P. RODRIGUEZ Assistant United States Attorney

/s/ Daniel Riess

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 19th day of May 2014, I filed the foregoing Motion for Summary Judgment electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

James M. Manley, Attorney for Plaintiffs Mountain States Legal Foundation 2596 South Lewis Way Lakewood, Colorado 80227 jmanley@mountainstateslegal.com

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/s/ Daniel Riess Daniel Riess, Attorney for Defendants