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Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION, *et al.*

Plaintiffs,

v.

NATIONAL MARINE FISHERIES
SERVICE, *et al.*

Defendants.

Civil No. 01-640-RE

**FEDERAL DEFENDANTS'
CROSS MOTION FOR
SUMMARY JUDGMENT AND
OPPOSITION TO PLAINTIFFS'
AND INTERVENOR-
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Federal Defendants respectfully move for summary judgment pursuant to Fed. R. Civ. P. 56(a). Counsel for Federal Defendants has conferred with counsel of record. Pursuant to L.R. 7.1(a), Federal Defendants certify that they made a good faith effort to resolve the current dispute and have been unable to do so with Plaintiffs, National Wildlife Federation, *et al.* (“NWF”), Plaintiff-Intervenor, the State of Oregon (“Oregon”), and *amicus*, Nez Perce Tribe.

For the reasons set forth in the Memorandum in Support of Federal Defendants’ Cross-Motion for Summary Judgment and Opposition to Plaintiffs’ and Intervenor-Plaintiffs’ Motions for Summary Judgment, the Court should grant Federal Defendants’ motion and enter judgment on Federal Defendants’ behalf.

Respectfully submitted: October 24, 2008.

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/s/ Coby Howell
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CERTIFICATE OF SERVICE

Pursuant to Local Rule Civil 100.13(c), and F.R. Civ. P. 5(d), I certify that on October 24, 2008, the foregoing will be electronically filed with the Court's electronic court filing system, which will generate automatic service upon on all Parties enrolled to receive such notice. The following will be manually served by overnight mail:

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