

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 01-640-RE
)	
NATIONAL MARINE FISHERIES)	
SERVICE, <i>et al.</i>)	
)	
Defendants.)	

[PROPOSED] ORDER GRANTING DEFENDANTS’ UNOPPOSED MOTION FOR ENTRY OF FINAL JUDGMENT AGAINST NATIONAL MARINE FISHERIES SERVICE PURSUANT TO RULE 54(b) OF FED. R. CIV. P. AND TO STAY REMAINING CLAIMS

Before the Court is Defendants’ Unopposed Motion For Entry of Final Judgment Against National Marine Fisheries Service Pursuant to Rule 54(b) of the Fed. R. Civ. P.

WHEREAS Count 1 of Plaintiff National Wildlife Federation, *et al.*’s (“NWF’s”) Third Amended Complaint is only asserted against the National Marine Fisheries Service (“NMFS”);

WHEREAS, the State of Oregon brought a similar claim against NMFS in its Complaint-in-Intervention (and asserted no other claims);

WHEREAS, the Court addressed the merits of the claims against NMFS, and granted summary judgment to Plaintiffs NWF on Count 1 of the Third Amended Complaint, and to Oregon on the claim it brought, in its Opinion and Order, dated May 26, 2005;

[Proposed] ORDER OF
FINAL JUDGMENT
AGAINST NMFS

WHEREAS, the remaining claims in NWF's Third Amended Complaint are not brought against NMFS;

WHEREAS, the Court determines that there is no just reason to delay the entry of a final judgment against NMFS on Count 1 of NWF's Third Amended Complaint and on the claim presented in Oregon's Complaint-in-Intervention in this case because (1) no further proceedings on the merits of NMFS claim are necessary; (2) the resolution of NWF's remaining claims against the other agencies are unlikely to shed new light or alter the summary judgment decision against NMFS; and (3) entry of a final judgment against NMFS on the claims against NMFS will not deprive the Court of the ability to order interim relief or take other appropriate action.

Accordingly, final judgment under Fed. R. Civ. P. 54(b) is hereby entered against NMFS on Count 1 of Plaintiffs' Third Amended Complaint and the claim brought by Oregon; It is further ORDERED that litigation of the merits of Counts 2 and 3 of Plaintiffs NWF's Third Amended Complaint against the United States Army Corps of Engineers and the Bureau of Reclamation are STAYED pending any appeal subject to any subsequent request by a party to lift the stay for good cause shown (this stay shall not preclude Plaintiffs from seeking appropriate interim relief).

Dated: _____

James A. Redden
United States District Judge

[Proposed] ORDER OF
FINAL JUDGMENT
AGAINST NMFS