

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IOWA CITIZENS FOR COMMUNITY
IMPROVEMENT, ANIMAL LEGAL
DEFENSE FUND, ASSOCIATION OF
IRRITATED RESIDENTS, INSTITUTE
FOR AGRICULTURE AND TRADE
POLICY, WATERKEEPER
ALLIANCE, INC., and
WATERKEEPER CHESAPEAKE,

Plaintiffs,

v.

COUNCIL ON ENVIRONMENTAL
QUALITY and MARY NEUMAYR IN
HER OFFICIAL CAPACITY AS
CHAIR OF THE COUNCIL ON
ENVIRONMENTAL QUALITY,

Defendants.

Case No. 1:20-cv-2715-TJK

DEFENDANTS' MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants move the Court to dismiss Plaintiffs' Complaint (ECF No. 1) for lack of subject matter jurisdiction. As set forth in the accompanying Memorandum in Support of Defendants' Motion to Dismiss, the Complaint should be dismissed with prejudice because Plaintiffs lack standing and their claims are not ripe for judicial review.

Dated: October 15, 2020.

Respectfully submitted,

JEFFREY BOSSERT CLARK
Assistant Attorney General
JONATHAN D. BRIGHTBILL
Principal Deputy Assistant Attorney General
PAUL E. SALAMANCA
Deputy Assistant Attorney General

/s/Barclay T. Samford
BARCLAY T. SAMFORD
NM State Bar No. 12323
Senior Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
Tel: (303) 844-1475
E-mail: clay.samford@usdoj.gov

CLARE BORONOW
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
Tel: (303) 844-1362
clare.boronow@usdoj.gov

ALLEN M. BRABENDER
Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Appellate Section
Post Office Box 7415
Washington, D.C. 20044
Tel: (202) 514-5316
E-mail: allen.brabender@usdoj.gov

STEVEN W. BARNETT
Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Law and Policy Section
Post Office Box 7415
Washington, D.C. 20044

Tel: (202) 514-1442

E-mail: steven.barnett@usdoj.gov

MATTHEW R. OAKES

Senior Counsel

U.S. Department of Justice

Environment and Natural Resources Division

Law and Policy Section

Post Office Box 7415

Washington, D.C. 20044

Tel: (202) 514-1442

E-mail: matthew.oakes@usdoj.gov