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6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 PAUL GRONDAL, a Washington
resident; and THE MILL BAY
10 MEMBERS ASSOCIATION, INC., a
Washington Non-Profit Corporation,

NO. CV-09-0018-JLQ

11 Plaintiffs,

FEDERAL DEFENDANTS'
MOTION TO DISMISS AND
MOTION FOR SUMMARY
JUDGMENT

12 vs.

13 UNITED STATES OF AMERICA;
14 UNITED STATES DEPARTMENT
OF THE INTERIOR; THE BUREAU
15 OF INDIAN AFFAIRS, et al.,

ORAL ARGUMENT
REQUESTED

16 Defendants.

17
18 Defendants United States of America, United States Department of Interior
19 and the Bureau of Indian Affairs ("Federal Defendants") move for an order
20 dismissing Plaintiffs' Complaint for lack of subject matter jurisdiction and for
21 failure to state a claim upon which relief can be granted under Fed. R. Civ. P.
22 12(b)(1) and (6).

23 Federal Defendants also move for summary judgment on their counterclaim
24 and submit there is no genuine issue as to any material fact and Federal Defendants
25 are entitled to judgment in their favor as a matter of law under Fed R. Civ. P. 56.
26

1 This motion is brought in accordance with L.R. 7.1 and 56.1 and is
2 supported by the statement of material facts and memorandum of authorities, filed
3 with this motion.

4 DATED this 1st day of September, 2009.

5 JAMES A. McDEVITT
6 United States Attorney

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8 s/ Pamela J. DeRusha
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- James M. Danielson: jimd@jdsalaw.com
- Kristin Ferrera: kristinf@jdsalaw.com
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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A

s/ Pamela J. DeRusha
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