

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

NO. 4:18-CV-97-D

SOUND RIVERS, INC., )  
CENTER FOR BIOLOGICAL DIVERSITY, )  
and CLEAN AIR CAROLINA, )

Plaintiffs, )

v. )

U.S. FISH AND WILDLIFE SERVICE and )  
MARGARET EVERSON, in her official )  
capacity as PRINCIPAL DEPUTY )  
DIRECTOR EXERCISING THE )  
AUTHORITY OF THE DIRECTOR, U.S. )  
FISH AND WILDLIFE SERVICE; NORTH )  
CAROLINA DEPARTMENT OF )  
TRANSPORTATION and JAMES H. )  
TROGDON III, in his official capacity as )  
SECRETARY, NORTH CAROLINA )  
DEPARTMENT OF TRANSPORTATION; )  
FEDERAL HIGHWAY ADMINISTRATION )  
and EDWARD T. PARKER, in his official )  
capacity as ASSISTANT DIVISION )  
ADMINISTRATOR, FEDERAL HIGHWAY )  
ADMINISTRATION, NORTH CAROLINA )  
DIVISION; NATIONAL MARINE )  
FISHERIES SERVICE and CHRISTOPHER )  
OLIVER, in his official capacity as )  
ASSISTANT ADMINISTRATOR FOR )  
FISHERIES, NATIONAL MARINE )  
FISHERIES SERVICE, )

Defendants. )

**JOINT STIPULATION OF  
VOLUNTARY DISMISSAL WITH  
PREJUDICE**

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Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs Sound Rivers, Inc., Clean Air Carolina, and Center for Biological Diversity (“Conservation Groups”);

Federal Defendants U.S. Fish and Wildlife Service, Principal Deputy Director Exercising the Authority of the Director of the U.S. Fish and Wildlife Service Margaret Everson, Federal Highway Administration, Federal Highway Administration Assistant Division Administrator Edward T. Parker, National Marine Fisheries Service, Assistant Administrator for Fisheries Christopher Oliver (“Federal Defendants”); and State Defendants North Carolina Department of Transportation, and North Carolina Department of Transportation Secretary James H. Trogon III (“State Defendants”) (collectively, “the Parties”), by and through undersigned counsel hereby jointly stipulate to dismissal of the above-captioned matter with prejudice.

The Parties stipulate as follows:

- (1) The Conservation Groups filed this case in the United States District Court for the Eastern District of North Carolina on May 23, 2018, and later amended their Complaint on June 25, 2018 and October 24, 2018, challenging Federal Defendants’ approvals for the Complete 540 projects, bringing claims under the National Environmental Policy Act, Endangered Species Act, and Administrative Procedure Act.
- (2) The Federal Defendants and State Defendants answered Plaintiffs’ First Amended Complaint on August 14, 2018. ECF No. 27; 28.
- (3) The Federal Defendants and State Defendants answered Plaintiffs’ Second Amended Complaint November 7, 2018. ECF No. 35; 36.
- (4) The Conservation Groups and State Defendants subsequently entered into confidential settlement negotiations and reached a settlement agreement (the “Settlement Agreement,” attached as Exhibit 1) which was executed on August 22, 2019.

(5) The Settlement Agreement requires Conservation Groups to move to dismiss this case with prejudice within 30 days of the effective date of the Settlement Agreement.

(6) The Parties agree to bear their own costs and attorneys' fees.

Therefore, in accordance with the Settlement Agreement, the Parties stipulate to voluntarily dismiss the above captioned case with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1).

This the 17th day of September, 2019.

/s/ Kimberley Hunter

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 17th, 2019, I electronically filed the foregoing Joint Stipulation of Voluntary Dismissal with Prejudice with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to counsel for Defendants.

This the 17th day of September, 2019.

/s/ Kimberley Hunter  
Southern Environmental Law Center