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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 LIGHTHOUSE RESOURCES INC., et al.,  
9  
10 Plaintiffs,

CASE NO. 3:18-cv-05005-RJB

11 and

BNSF RAILWAY COMPANY

12 Intervenor-Plaintiff,

ORDER FOR JOINT STATUS  
REPORT

13 v.

14 JAY INSLEE, et al.,

15 Defendants,

16 and

17 WASHINGTON ENVIRONMENTAL  
COUNCIL, et al.,

18 Intervenor-Defendants.

19 This matter comes before the Court on the April 14, 2021 Mandate of the Ninth Circuit  
20 Court of Appeals. Dkt. 347. The Court has considered the Mandate, the remaining record and is  
21 fully advised.

22 This case challenged the State's denial of a Clean Water Act Section 401 Certification  
23 and denial of request for approval of a sublease of state-owned aquatic lands for Plaintiffs'  
24 proposed coal export terminal. Dkt. 1.

1 On October 23, 2018, the Defendants' motion for partial summary judgment was granted  
2 and all claims against Defendant Hilary Franz were dismissed as barred by the Eleventh  
3 Amendment. Dkt. 170. On December 11, 2018, Defendants' motion for partial summary  
4 judgment was granted and the Plaintiffs' preemption claims under the Interstate Commerce  
5 Commission Termination Act and the Ports and Waterways Safety Act were dismissed. Dkt.  
6 200. On April 11, 2019, the undersigned determined that temporary abstention was appropriate,  
7 and the case was stayed pursuant to *Railroad Commission of Texas v. Pullman*, 312 U.S. 496  
8 (1941). Dkt. 326. The Plaintiffs filed notices of appeal of those orders. Dkts. 329 and 331.

9 Plaintiff Lighthouse Resources Inc. filed for bankruptcy relief in December 2020; an  
10 unopposed motion to dismiss the appeal as moot was filed by the Defendants. Dkt. 342. The  
11 Ninth Circuit Court of Appeals granted the motion and dismissed the appeal. *Id.* The Mandate  
12 issued on April 14, 2021. Dkt. 347.

13 It is unclear what remains in this case. Accordingly, by **April 30, 2021**, the parties are  
14 ordered to file a joint status report explaining what issues, if any, remain in this case, and  
15 whether the stay should now be lifted.

16 **IT IS SO ORDERED.**

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
18 to any party appearing *pro se* at said party's last known address.

19 Dated this 19<sup>th</sup> day of April, 2021.

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22 ROBERT J. BRYAN  
23 United States District Judge  
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