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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROSEBUD SIOUX TRIBE *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN *et al.*,

Defendants,

and

TC ENERGY CORPORATION *et al.*,

Defendant-Intervenors.

Case No. 4:18-cv-00118-BMM

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Rosebud Sioux Tribe and Fort Belknap Indian Community, Defendants Joseph R. Biden, United States Department of State, Antony J. Blinken, David Hale, United States Department of the Interior, and Debra A. Haaland,¹ and Defendant-Intervenors TC Energy Corp. and TransCanada Keystone Pipeline, L.P., (collectively, “the Parties”) respectfully and jointly submit this Stipulation of Dismissal Without Prejudice, dismissing Plaintiffs’ case in its entirety against all Defendants and Defendant-Intervenors without prejudice.

Filing a stipulation of dismissal pursuant to Rule 41 automatically terminates the case. *Acosta v. Lopez*, No. 1:18-cv-00625-AWI-SKO, 2019 WL 5536321, at *1 (E.D. Cal. Oct. 25, 2019) (citing *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1078 (9th Cir. 1999)) (“Case law concerning stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of dismissal is effective automatically and does not require judicial approval.”).

On January 20, 2021, President Joseph R. Biden issued an executive order revoking the 2019 presidential permit at issue in this case. *See* Exec. Order No. 13,990, § 6(a), 86 Fed. Reg. 7,037, 7,041 (Jan. 20, 2021). On April 7, 2021, this Court ordered the Parties to brief whether the revocation of the 2019 presidential

¹ Defendants Joseph R. Biden, Antony J. Blinken, and Debra A. Haaland are automatically substituted for their predecessors. Fed. R. of Civ. P. 25(d).

permit moots this case. Doc. 182. The Parties agree that the case is moot. *See Indigenous Envtl. Network v. U.S. Dep't of State*, No. 18-36068, 2019 WL 2542756 (9th Cir. June 6, 2019); *League of Conservation Voters v. Biden*, No. 19-35460, ___ Fed. App'x ___, 2021 WL 1392149 (9th Cir. Apr. 13, 2021). Accordingly, in the interest of conserving the Parties' and the Court's resources, the Parties jointly submit this Stipulation of Dismissal Without Prejudice.

This dismissal is without prejudice. Each party will bear their own costs and fees.

RESPECTFULLY SUBMITTED this 5th day of May, 2021.

FOR ROSEBUD SIOUX TRIBE AND FORT
BELKNAP INDIAN COMMUNITY

/s/ Wesley James Furlong

/s/ Matthew L. Campbell

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LP and TC Energy Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2021, I electronically filed the foregoing **STIPULATION OF DISMISSAL WITHOUT PREJUDICE** with the Clerk of the Court for the United States District Court for the District of Montana by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Wesley James Furlong

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