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

CITIZENS FOR CLEAN ENERGY *et al.*

and

THE NORTHERN CHEYENNE TRIBE,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF THE
INTERIOR *et al.*

Federal Defendants,

and

STATE OF WYOMING *et al.*,

Intervenor-Defendants.

STATE OF CALIFORNIA *et al.*

V.

Case No. 17-cv-30-BMM
(lead consolidated case)

**FEDERAL DEFENDANTS’
BRIEF IN RESPONSE TO
THE MOTION TO
DISMISS**

17-cv-42-BMM
(consolidated case)

UNITED STATES DEPARTMENT OF THE)
INTERIOR *et al.*)
)
Federal Defendants.)
_____)

Defendant-Intervenor National Mining Association has filed a Motion to Dismiss [ECF No. 210]. The motion to dismiss is based on mootness. Federal Defendants have already addressed mootness in their memorandum in support of their cross-motion for summary judgment and opposing plaintiffs' motions for summary judgment [ECF No. 220], and now simply incorporate that brief by reference here.

Respectfully submitted this 20th day of January 2022.

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/s/ Joseph H. Kim
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record.

/s/ Joseph H. Kim
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