

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA ex rel. Mike
Hunter, in his official capacity as
Attorney General of Oklahoma,

Plaintiff,

v.

Case No. 15-CV-0381-CVE-FHM

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, UNITED
STATES ARMY CORPS OF ENGINEERS,
E. SCOTT PRUITT, in his official capacity
as Administrator of the United States
Environmental Protection Agency, and
JO-ELLEN DARCY, in her official capacity
as Assistant Secretary of the Army for
Civil Works,

Defendants.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
NATIONAL FEDERATION OF
INDEPENDENT BUSINESS, TULSA
REGIONAL CHAMBER, PORTLAND
CEMENT ASSOCIATION, and STATE
CHAMBER OF OKLAHOMA,

Plaintiffs,

Case No. 15-CV-0386-CVE-PJC

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, E. SCOTT
PRUITT, in his official capacity as
Administrator of the United States
Environmental Protection Agency,
UNITED STATES ARMY CORPS OF
ENGINEERS, and JO-ELLEN DARCY,
in her official capacity as Assistant
Secretary of the Army (Civil Works),

Defendants.

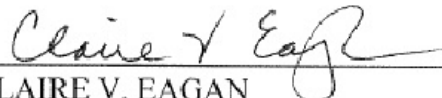
ORDER

This matter comes on for consideration of plaintiffs' motions to reopen cases (15-CV-381-CVE-FHM, Dkt. # 58; 15-CV-386-CVE-PJC, Dkt. # 68) and plaintiffs' unopposed motions for status conference (15-CV-381-CVE-FHM, Dkt. # 81; 15-CV-386-CVE-PJC, Dkt. # 94). In these companion cases, the plaintiffs challenge the definition of the term "Waters of the United States" adopted in the Clean Water Rule promulgated by the United States Environmental Protection Agency (EPA) in 2015 (2015 Rule). The Court was advised that the EPA was not enforcing the 2015 Rule and administratively closed both cases pending a rulemaking process. Plaintiffs ask the Court to reopen the cases and rule on their motions for preliminary injunction, because they argue that the status of the 2015 Rule is uncertain and they cannot use their land without knowing whether the EPA will seek to enforce the 2015 Rule. The Court has reviewed plaintiffs' motions to reopen and finds that the motions should be granted. The Court will also set these matters for a status conference. The parties should be prepared to discuss the status of the 2015 Rule and whether the EPA is contemplating any imminent action to enforce the 2015 Rule in Oklahoma. The parties are advised the pending motions for intervention filed by L.E.A.D. Agency, Inc. and Waterkeeper Alliance remain pending, but those motions will not be addressed at the status conference.

IT IS THEREFORE ORDERED that plaintiffs' motions to reopen cases (15-CV-381-CVE-FHM, Dkt. # 58; 15-CV-386-CVE-PJC, Dkt. # 68) are **granted**, and the Court Clerk is directed to **reopen** Case No. 15-CV-381-CVE-FHM and Case No. 15-CV-386-CVE-PJC.

IT IS FURTHER ORDERED that plaintiffs' unopposed motions for status conference (15-CV-381-CVE-FHM, Dkt. # 81; 15-CV-386-CVE-PJC, Dkt. # 94) are **granted**, and these cases are set for a status conference on **December 21, 2018 at 10:00 a.m.**

DATED this 7th day of December, 2018.



CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE