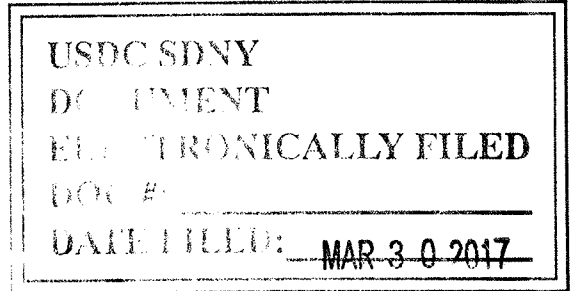


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



NATURAL RESOURCES DEFENSE  
COUNCIL, INC.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE  
INTERIOR, *et al.*,

Defendants.

17 Civ. 1130 (AJN)

ECF Case

**STIPULATION AND  
ORDER OF DISMISSAL**

WHEREAS, on January 11, 2017, the United States Fish and Wildlife Service (“FWS”) of the United States Department of the Interior (“DOI”) published a final rule in the Federal Register regarding the listing of the rusty patched bumble bee as an endangered species (the “Listing Rule”);

WHEREAS, the Listing Rule states that it would take effect on February 10, 2017;

WHEREAS, on February 10, 2017, FWS published a rule stating that the effective date of the Listing Rule was delayed from February 10, 2017, to March 21, 2017;

WHEREAS, on February 14, 2014, plaintiff Natural Resources Defense Council, Inc. (“NRDC”) filed this action against defendants DOI; Kevin Haugrud, in his official capacity as the Acting Secretary of the Interior; FWS; and James Kurth, in his official capacity as the Acting Director of FWS (collectively, the “Government”);<sup>1</sup>

WHEREAS, NRDC alleges that FWS’s delay of the effective date of the Listing Rule violates the Administrative Procedure Act;

<sup>1</sup> On March 1, 2017, Ryan Zinke was sworn in as Secretary of the Interior, and therefore pursuant to Rule 25(d) has been automatically substituted for Kevin Haugrud as defendant.

WHEREAS, on March 21, 2017, the delayed effective date passed;

WHEREAS, FWS has not issued any further rule regarding the effective date of the Listing Rule; and

WHEREAS, the Listing Rule is now in effect;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between NRDC and the Government that:

1. This action is dismissed with prejudice.
2. Neither NRDC nor the Government will seek attorneys' fees or costs.

Dated: March 28, 2017

NATURAL RESOURCES DEFENSE COUNCIL

*Rebecca Riley*  
 DANIEL RAICHEL (admitted *pro hac vice*)  
 REBECCA RILEY (admitted *pro hac vice*)  
 20 North Wacker Drive, Suite 1600  
 Chicago, IL 60606  
 Tel.: 312-663-9900  
 draichel@nrdc.org  
 rriley@nrdc.org  
 Counsel for Plaintiff

Dated: March 29, 2017

JOON H. KIM  
Acting United States Attorney for the Southern District of New York

*Leigh Wasserstrom* / *ay*  
 LEIGH WASSERSTROM  
 86 Chambers Street, 3rd Floor  
 New York, NY 10007  
 Tel.: 212-637-3274  
 leigh.wasserstrom@usdoj.gov  
 Counsel for Defendants

SO ORDERED this 30<sup>th</sup> day of March 2017:

*A. Nathan*  
 HON. ALISON J. NATHAN  
 UNITED STATES DISTRICT JUDGE

JS