

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION**

_____)	
STATE OF NORTH DAKOTA, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:15-cv-00059-RRE-ARS
)	
U.S. ENVIRONMENTAL PROTECTION)	
AGENCY, et al.,)	
)	
Defendants.)	
_____)	

**MEMORANDUM IN SUPPORT OF THE NEW MEXICO ENVIRONMENT
DEPARTMENT’S MOTION TO WITHDRAW AS PLAINTIFF**

Pursuant to Fed. R. Civ. P. 7(b), the New Mexico Environment Department (NMED) respectfully moves the Court to withdraw as a plaintiff in this case.

No party makes any direct claim against NMED in this case. The remaining plaintiffs seek summary judgment against defendants and no counterclaims have been asserted. ECF No. 256 (Unopposed Motion to Schedule Oral Argument).

NMED’s withdrawal will not materially prejudice the rights of the other parties. Several states continue to seek summary judgment against the defendants, *id.*, and NMED’s withdrawal will not impact those claims.

This voluntary withdrawal is appropriate because there is no direct claim made against NMED and because NMED’s withdrawal will not materially prejudice the rights of the other parties. NMED requests that all parties bear their own costs.

Dated this 21st day of March, 2019.

Respectfully Submitted,

NEW MEXICO ENVIRONMENT
DEPARTMENT

By: /s/ John Verheul
John Verheul
Assistant General Counsel
121 Tijeras Avenue NE, Ste 1000
Albuquerque, New Mexico 87102
Telephone: (505) 383-2063
Facsimile: (505) 383-2064
Email: john.verheul@state.nm.us

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2019, a copy of the foregoing **Memorandum in Support of Motion to Withdraw** was served electronically through the Court's CM/ECF system on all registered counsel.

/s/ John Verheul
John Verheul