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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

The National Trust for Historic Preservation,  
et al.,  
Plaintiffs,  
vs.  
David Bernhardt, as Secretary of the  
Department of the Interior, et al.,  
Federal-Defendants.

No. CV-19-5008-PHX-MHB

ORDER

Plaintiffs’ and Federal-Defendants’ have reached a stipulated settlement agreement (Doc. 88) in this case and filed a joint motion to dismiss. (Doc. 89.) Intervenor State of Arizona Game and Fish Department does not oppose the motion but notes its objection to the settlement agreement. (Doc. 90.) The Court finds that Intervenor’s objection raises issues that are not ripe, as the settlement agreement is an agreement to “undertake a new land use planning process to consider amending the Monument Resource Management Plan (“RMP”).” Intervenor has not asserted that it will not have the right or opportunity to provide input or object during that process.

Good cause having been found to grant the stipulated and unopposed motion to dismiss,


IT IS ORDERED that the Parties’ stipulated settlement agreement is hereby APPROVED.

IT IS FURTHER ORDERED granting the Joint Motion to Dismiss pursuant to the Stipulated Settlement Agreement (Doc. 89)

1 IT IS FURTHER ORDERED that the above-captioned case is DISMISSED with  
2 prejudice. All pending motions are MOOT and all deadlines are VACATED. The Court  
3 shall retain jurisdiction solely for the purpose of adjudicating any motion to enforce the  
4 commitments in Paragraph 3 of the stipulated settlement agreement, but any challenge to  
5 the resulting agency decision must be filed in a new lawsuit. *Kokkonen v. Guardian Life*  
6 *Ins. Co. of Am.*, 511 U.S. 375, 381 (1994).

7 IT IS FURTHER ORDERED denying as moot the parties' Joint Motion to Vacate  
8 Briefing on Summary Judgment and Set Schedule to Resolve Objection to Settlement  
9 Agreement. (Doc. 91.)

10 Dated this 20th day of April, 2022.

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14 Honorable Michelle H. Burns  
15 United States Magistrate Judge  
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