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Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MONTANA ENVIRONMENTAL )  
INFORMATION CENTER, *et al.*, )  
)  
Plaintiffs, )  
)  
v. )  
)  
UNITED STATES BUREAU OF )  
LAND MANAGEMENT, *et al.*, )  
)  
Defendants. )  
)  
INDEPENDENT PETROLEUM )  
ASSOCIATION OF MOUNTAIN )  
STATES, )  
)  
Defendant-Intervenor )  
\_\_\_\_\_ )

Case No. 08-178-M-DWM

**JOINT MOTION TO DISMISS  
WITH PREJUDICE**

**JOINT MOTION TO DISMISS WITH PREJUDICE**

Plaintiffs Montana Environmental Information Center, the Oil and Gas Accountability Project, a project of Earthworks, and Wild Earth Guardians (collectively “Plaintiffs”), and Federal Defendants the U.S. Bureau of Land Management (“BLM”), Ken Salazar, in his official capacity as Secretary of the Department of the Interior, and Gene R. Terland, in his official capacity as State Director of the Bureau of Land Management in Montana (collectively “Federal Defendants”), by and through their undersigned counsel, hereby file this Motion to Dismiss with Prejudice the above-captioned lawsuit pursuant to Federal Rule of Civil Procedure 41(a)(2). In support thereof, Plaintiffs and Federal Defendants state as follows:

1. Plaintiffs and Federal Defendants have reached settlement on all issues raised in the above-captioned case, as reflected in the Settlement Agreement attached hereto as Exhibit A.

2. Plaintiffs and Federal Defendants respectfully request that the Court enter the Proposed Order, attached hereto as Exhibit B, which incorporates the terms of the Settlement Agreement and dismisses the case with prejudice.

3. Plaintiffs and Federal Defendants have conferred with the Independent Petroleum Association of Mountain States (“Intervenor-Defendants”). Specifically, Federal Defendants shared the terms of the Settlement Agreement with Intervenor-Defendant on March 3, 2010, and met with Intervenor-Defendant

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in person on March 8, 2010, to further discuss the Agreement as well as the instant proposed Motion to Dismiss. Intervenor-Defendant submits the following statement on the instant Motion:

Considering that Intervenor-Defendant, Independent Petroleum Association of Mountain States, recently learned of the substance of the proposed Settlement Agreement, Intervenor-Defendant cannot take a position at this time with regard to the Motion to Dismiss and proposed Settlement Agreement. Thus, Intervenor-Defendant reserves the right to file an opposition to the Motion to Dismiss and proposed Settlement Agreement pursuant to Local Rule 7.1. At a minimum, Intervenor-Defendant reserves the right to challenge the implementation of the Settlement Agreement should BLM unreasonably delay completion of the environmental analyses contemplated by the proposed Settlement Agreement.

4. For the foregoing reasons, Plaintiffs and Federal Defendants respectfully request that the Court dismiss this case with prejudice.

Dated: March 12, 2010

/s/ Erik Schlenker-Goodrich  
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Counsel for Citizen Group Plaintiffs

Dated: March 12, 2010

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/s/ Guillermo A. Montero  
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