

## **NEWS RELEASE**

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### **FEDERAL JUDICIAL PANEL STRIKES ANOTHER BLOW AGAINST EPA'S WOTUS RULE**

BISMARCK, ND - Attorney General Wayne Stenehjem announced that North Dakota's challenge to the EPA's Waters of the United States (WOTUS) Rule has met with success in another federal court.

Earlier this morning, the Judicial Panel on Multidistrict Litigation issued a unanimous order denying transfer of the district court cases that have been filed challenging the United States Environmental Protection Agency and United States Army Corps of Engineers' "Waters of the United States" Rule. The federal Agencies had asked the panel to transfer and centralize all of the pending cases – including the North Dakota case – to the federal district court in the District of Columbia. North Dakota opposed the request, arguing that its case was in a unique procedural position due to it being the only case with a preliminary injunction and that the federal Agencies had not met their burden to justify transfer. A hearing was held on October 1 in New York City.

"We have a long way still to go but this is the state's third consecutive victory on the route. We will continue to press the matter until the WOTUS rule is invalidated," said Attorney General Wayne Stenehjem.

In its order, the panel agreed with North Dakota, holding that "centralization will not serve the convenience of the parties and witnesses or further the just and efficient conduct of this litigation." As a result, each of the fourteen cases filed in various federal district courts across the country will proceed independently. North Dakota and its co-plaintiff states have already asked the North Dakota judge to issue a scheduling order so that the case may be heard promptly on the merits.

In August, federal district court judge Ralph Erickson issued a preliminary injunction blocking the WOTUS rule being enforced in North Dakota and the twelve other states that had joined the lawsuit. In his order, the judge determined that the states were likely to succeed on the merits.

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