

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

	)	
COLORADO RIVER CUTTHROAT	)	
TROUT, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 00-2497 (PLF)
	)	
DIRK KEMPTHORNE, <u>et al.</u> ,	)	
	)	
Defendants.	)	
	)	

ORDER AND JUDGMENT

This matter is before the Court on the plaintiffs’ motion for summary judgment. Upon consideration of the parties’ arguments as set forth in their briefs and the entire record of the case, the Court finds that there are no genuine issues of material fact and that plaintiffs are entitled to judgment as a matter of law. For the reasons set forth in the Opinion issued on this same day, it is hereby

ORDERED that the plaintiffs’ motion for summary judgment [55] is GRANTED; it is

FURTHER ORDERED that JUDGMENT is entered for the plaintiffs; it is

FURTHER ORDERED that the Court DECLARES that the Fish and Wildlife Service (“FWS”) violated the Endangered Species Act (“ESA”) by failing to make the required 90-day finding on the petition to list the Colorado River cutthroat trout; it is

FURTHER ORDERED that the Court DECLARES that FWS violated the ESA’s mandatory duties in making its 90-day finding on the petition to list the Colorado River cutthroat

trout; it is

FURTHER ORDERED that the Court DECLARES that the Fish and Wildlife Services' 90-day review of the Petition in this case was contrary to law; it is

FURTHER ORDERED that the defendants shall conduct a full status review of the Colorado River cutthroat trout within nine months; it is

FURTHER ORDERED that FWS shall issue a 12-month finding on the Colorado River cutthroat trout, after conducting a status review and requesting public comment; it is

FURTHER ORDERED that the motion to strike the declaration of Christopher Frissell is DENIED; it is

FURTHER ORDERED that any other pending motions are DENIED; it is

FURTHER ORDERED that this case is DISMISSED from the docket of this Court; and it is

FURTHER ORDERED that this Order and Judgment shall constitute a FINAL JUDGMENT in this case. This is a final appealable order. See FED. R. APP. P. 4(a).

SO ORDERED.

/s/\_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge

DATE: September 7, 2006