

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

INTERNATIONAL CENTER FOR
TECHNOLOGY ASSESSMENT, *et al.*,
Plaintiffs,

v.

MIKE JOHANNNS, Secretary, United
States Department of Agriculture, *et al.*,
Defendants,

and

THE SCOTTS COMPANY,
Defendant-Intervenor.

Civil Action 03-00020 (HHK)

ORDER

Pursuant to Fed. R. Civ. P. 58 and for the reasons stated by the court in its memorandum docketed this same day, it is this 5th day February, 2007, hereby

ORDERED and ADJUDGED that judgment is entered in favor of plaintiffs and against defendants as to Counts I and III; and it is further

ORDERED and ADJUDGED that judgment is entered in favor of defendants and against plaintiffs as to Count II; and it is further

ORDERED that the claims of Heather Burns, Faith Campbell, and Claire Watkins are **DISMISSED**; and it is further

ORDERED that defendants' denial of plaintiffs' noxious weed petition is **VACATED and REMANDED**; and it is further

ORDERED that defendants are permanently **ENJOINED** from processing any acknowledgment or permit pursuant to § 340.3 and § 340.4 of Title 7 of the Code of Federal

Regulations, without inquiring, in a manner consistent with the memorandum opinion issued this same day, whether the exception articulated in § 372.5(d) of that same title applies to the acknowledgment or permit to an extent that categorical exclusion is not warranted, and that an environmental assessment should be prepared.

The court retains jurisdiction of this action to ensure compliance with this order.

Henry H. Kennedy, Jr.
United States District Judge