

MILLENNIUM PIPELINE CO., L.P.,

Plaintiff,

v.

CARLOS M. GUTIERREZ,
SECRETARY OF COMMERCE, *et al.*,

Defendants,

and

**NEW YORK STATE DEPARTMENT
OF STATE, *et al.*,**

Intervenor-Defendants.

ORDER

This matter comes before the Court on the plaintiff’s motion [30] for summary judgment, intervenor-defendant New York State Department’s cross-motion [39] for summary judgment, intervenor-defendant Village of Croton-On-Hudson, Briarcliff Manor, and Town of Cortlandt’s cross motion [40, 44] for summary judgment and defendant the Secretary of Commerce’s cross-motion [45] for summary judgment. Upon consideration of these motions, it is hereby

ORDERED that plaintiff's motion for summary judgment is DENIED.

ORDERED that defendants' and intervenor-defendants' cross-motions for summary judgment are GRANTED.

Judgment is hereby entered for defendants, and this case shall stand DISMISSED WITH PREJUDICE.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, March 31, 2006.