

1 Exhibit 8: State of Oklahoma, Choctaw Nation of Oklahoma, Chickasaw Nation, City of Oklahoma
2 City Water Settlement
3

4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE WESTERN DISTRICT OF OKLAHOMA**
6

7 CHICKASAW NATION and)
8 CHOCTAW NATION OF OKLAHOMA,)
9)
10 Plaintiffs,)
11)
12 vs.)
13)
14 Mary Fallin, in her official capacity as)
15 Governor of the State of Oklahoma, *et al.*)
16)
17 Defendants.)
18 _____)
19

Case No. CIV-11-927

20 **JOINT MOTION BY PLAINTIFFS AND ALL DEFENDANTS FOR DISMISSAL**
21 **WITH PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)(2)**

22 The Choctaw Nation of Oklahoma, the Chickasaw Nation (collectively, “the Nations”),
23 and all defendants named in the Second Amended Complaint (Doc. 62) (collectively with the
24 Nations, the “Moving Parties”) respectfully move this Court to order the dismissal of the
25 Nations’ claims against all defendants named in the Second Amended Complaint (Doc. 62)
26 pursuant to Fed. R. Civ. Pr. 41(a)(2).

- 27 1. As grounds for this Motion, the Moving Parties state as follows: This case was stayed by
28 order of the Court on March 27, 2012, along with a concurrent stay entered in *Oklahoma*
29 *Water Resources Board v. United States, et al.*, Case No. CIV-12-275 (W.D. Ok.)
30 (hereinafter, “Case No. CIV-12-275”) to allow settlement negotiations to proceed as
31 among the Nations, the State of Oklahoma (Governor Mary Fallin and the Oklahoma
32 Water Resources Board) (collectively, “State”), the City of Oklahoma City (“City”), and
33 the United States to resolve the issues raised by the respective actions. Settlement
34 negotiations proceeded thereafter and upon request of the State, the Nations, the City, and

1 the United States, the Court has extended the stay in both cases multiple times to allow
2 settlement discussions to progress.

3 2. After almost five years of negotiations, the State, the Nations, the United States, and the
4 City reached a settlement that was executed by the State, the Nations and the City in
5 August 2016, enacted into federal law on _____ as [insert Settlement Act citation], and
6 executed by the United States on _____ 2017.

7 3. Pursuant to [insert Settlement Act citation], approving the State of Oklahoma, Choctaw
8 Nation of Oklahoma, Chickasaw Nation, and City of Oklahoma City Water Settlement
9 (“Settlement Agreement”), and Fed. R. Civ. Pr. 41(a)(2), the Moving Parties respectfully
10 move this court to order the dismissal of the Nations’ claims against all defendants named
11 in the Second Amended Complaint (Doc. 62), which order shall be with prejudice
12 effective as of the Enforceability Date as defined in the Settlement Act and the Settlement
13 Agreement unless either the Plaintiffs or the Defendants notify the Court that the
14 Enforceability Date has not occurred and move to vacate the order of dismissal on that
15 basis. The Moving Parties shall provide notice to the Court of the occurrence of the
16 Enforceability Date within sixty (60) days of the Enforceability Date.

17 4. The Moving Parties are concurrently filing a similar motion in Case No. CIV-12-275 and
18 respectfully request that this Court grant the relief requested in each or deny both.

19 5. A proposed draft order is provided for the Court’s consideration.

20 WHEREFORE, for the reasons set forth herein and as, the motion should be granted.

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Date: _____

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CERTIFICATE OF SERVICE

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I hereby certify that on the ___ day of _____, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of court will transmit a Notice of Electronic Filing to the following ECF registrants:

I hereby certify that on the ___ day of _____, 2017, I served the attached document by e-mail on the following, who are not registered participants of the ECF System.

DRAFT

Michael Burrage

1 ENTERED this _____ day of _____, 2017.

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DRAFT

LEE R. WEST
UNITED STATES DISTRICT JUDGE