

No. 137, ORIGINAL

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IN THE  
SUPREME COURT OF THE UNITED STATES

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STATE OF MONTANA, Plaintiff

v.

STATE OF WYOMING

AND

STATE OF NORTH DAKOTA, Defendants

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BEFORE THE HONORABLE BARTON H. THOMPSON, JR.

SPECIAL MASTER

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WYOMING'S MOTION FOR SUMMARY JUDGMENT AS TO REMEDIES

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*\*Counsel of Record*

Defendant, State of Wyoming, through counsel, hereby moves for the summary entry of judgment against the State of Wyoming in the amount of \$20,340.00 plus prejudgment interest on the grounds that the extent of Wyoming's liability is clear and further proceedings would be futile. Specifically, Wyoming is entitled to the entry of the foregoing money judgment against it and dismissal with prejudice of these proceedings because:

1. Montana's damages are limited to the cost of the readily available replacement water.
2. Injunctive relief is not appropriate because there is no cognizable danger of a recurrent violation by Wyoming.
3. The specific controversy Montana voluntarily brought to trial has been resolved and it is not entitled to further declaratory relief.
4. Costs should not be awarded to either party because each state prevailed on some issues.

This motion is based on the pleadings, the entire record created during the liability phase of these proceedings, Wyoming's Exception to the Second Interim Report, Wyoming's Sur-Reply in Support of Exception, and Wyoming's Reply to Montana's Exception, which are incorporated herein as if fully set forth. These materials establish that there is no genuine issue as to any material fact and that Wyoming is entitled to judgment as a matter of law.

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WHEREFORE the State of Wyoming requests that the Special Master recommend that the Court summarily enter a money judgment against Wyoming in the amount of \$20,340.00 plus prejudgment interest and dismiss these proceedings with prejudice.

Dated this 27th day of April, 2016.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Wyoming's Motion for Summary Judgment as to Remedies was served by electronic mail and by placing the same in the United States mail, postage paid, this 27th day of April, 2016.

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