

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 3

DANE COUNTY

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CLEAN WISCONSIN, INC.,

Petitioner,

v.

Case No. 16-CV-2816

WISCONSIN DEPARTMENT OF  
NATURAL RESOURCES,

Respondent.

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**NOTICE OF MOTION AND MOTION TO DISMISS**

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PLEASE TAKE NOTICE that Respondent Wisconsin Department of Natural Resources (DNR), by undersigned counsel, moves the Court for an order dismissing this judicial review action. The issues the petitioner raises in its petition for judicial review are moot because the permittee has surrendered its right to construct the high capacity well. For this reason, this Court should grant DNR's motion to dismiss. In addition, the petitioner's claims related to cumulative impacts are barred under Wis. Stat. § 281.34(5m). Even absent the fact that this petition for judicial review is moot, this Court should dismiss all claims pertaining to cumulative impacts.

Grounds for this motion are further set forth in the accompanying brief, which is incorporated by reference here.

PLEASE TAKE FURTHER NOTICE that substantially similar motions to dismiss were filed in Dane County Case Nos. 16-CV-2817 to 2824. However, on December 6, 2016, the parties submitted a joint motion to consolidate this case with Dane County Case Nos. 16-CV-2817 to 2824. In the interest of judicial efficiency, DNR respectfully requests that this Court delay taking action on DNR's motion to dismiss, including setting a briefing schedule for the motion, pending a decision on the motion to consolidate.

Dated this 7th day of December, 2016.

Respectfully submitted,

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