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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

THE COLORADO RIVER
ECOSYSTEM,

a/n/f

DEEP GREEN RESISTANCE, THE
SOUTHWEST COALITION,
DEANNA MEYER, JENNIFER
MURNAN, FRED GIBSON, SUSAN
HYATT, WILL FALK; OWEN
LAMMERS, individually as the Living
Rivers Executive Director; and JOHN
WEISHEIT, individually as the
“Colorado Riverkeeper”,

Plaintiff,

vs.

Case No.: 17cv02316 – NYW

**UNOPPOSED MOTION TO
DISMISS AMENDED COMPLAINT
WITH PREJUDICE**

1 STATE OF COLORADO, JOHN W.
 2
 3 HICKENLOOPER,
 4 in his Official Capacity as Governor of
 5 the State of Colorado;
 6
 7 Defendant.

8
9 **MOTION**

10 COMES NOW Plaintiff Colorado River Ecosystem, by and through undersigned counsel, and
 11 respectfully moves this Honorable Court to dismiss the Amended Complaint with prejudice,
 12 based on the following:
 13

- 14
- 15 1. Plaintiff filed the Complaint [**Doc. 1**] with this Court on September 25, 2017.
- 16 2. The State of Colorado filed a Motion To Dismiss for Lack of Jurisdiction on October 17,
- 17 2017. [**Doc. 10**].
- 18 3. All parties consented to the Magistrate jurisdiction of Honorable Nina Y. Wang on
- 19 October 25, 2017. [**Doc. 15**].
- 20 4. Plaintiff filed an Amended Complaint Pursuant to D.C.COLO.LCIV. R 15.1(A) on
- 21 November 3, 2017. [**Doc. 17**].
- 22 5. The State of Colorado filed Motion to Dismiss Amended Complaint for Lack of
- 23 Jurisdiction on December 1, 2017. [**Doc. 23**].
- 24 6. The Complaint represented a good faith attempt to introduce the Rights of Nature
- 25 doctrine to our jurisprudence. The rights of nature—specifically, the legal standing of
- 26
- 27
- 28

1 natural entities—was first recognized by the Honorable William O. Douglas in his dissent
2 in *Sierra Club v. Morton* and is being increasingly utilized as a legal doctrine by
3 countries around the world.¹
4

5 7. The undersigned continues to believe that the doctrine provides American courts with a
6 pragmatic and workable tool for addressing environmental degradation and the current
7 issues facing the Colorado River.

8 8. That said, the expansion of rights is a difficult and legally complex matter. When
9 engaged in an effort of first impression, the undersigned has a heightened ethical duty to
10 continuously ensure that conditions are appropriate for our judicial institution to best
11 consider the merits of a new canon.
12

13 9. After respectful conferral with opposing counsel per D.C.COLO.LCivR 7.1(A), Plaintiff
14 respectfully moves this Honorable Court to dismiss the Amended Complaint with
15 prejudice.
16

17
18 Respectfully submitted this the 3rd day of December 2017,

19 s/Jason Flores-Williams, Esq.
20 *Counsel for Plaintiff*
21 Phone: 303-514-4524
22 Email: Jfw@jfwlaw.net
23 1851 Bassett St.
24 #509
25 Denver, Colorado 80202
26
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¹ 405 U.S. 727 (1972).
MOTION TO DISMISS - 3

CERTIFICATE OF SERVICE

I hereby certify that I filed electronically the above Pleading via the CM ECF system causing it to be served upon opposing counsel 12/3/17.

s/Jason Flores-Williams

Attorney For Plaintiff

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