

THOMAS E. MOSS, ISB No. 1058
United States Attorney
NICHOLAS J. WOYCHICK, ISB No. 3912
Assistant United States Attorney
District of Idaho
Washington Group Plaza IV
800 Park Boulevard, Suite 600
Boise, ID 83712-9903
Telephone: (208) 334-1211
Facsimile: (208) 334-1414

UNITED STATES DEPARTMENT OF JUSTICE
RONALD J. TENPAS
Assistant Attorney General
Environment & Natural Resources Division
CYNTHIA J. MORRIS
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026
Telephone: (202) 616-7554
Facsimile: (202) 514-8865

Attorneys for the Environmental Protection Agency

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

CHANTELL and MICHAEL SACKETT,)	Case No. CV-08-0185-EJL
)	
Plaintiffs,)	UNITED STATES' MOTION TO DISMISS
v.)	PLAINTIFFS' COMPLAINT FOR LACK
)	OF SUBJECT MATTER JURISDICTION
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Defendant.)	
_____)	

The United States Environmental Protection Agency ("EPA") moves to dismiss the Complaint filed by Plaintiffs Chantell and Michael Sackett on grounds that this Court lacks subject matter jurisdiction over the claims asserted. The points and authorities in support of this motion are discussed in the accompanying memorandum.

Respectfully submitted,

THOMAS E. MOSS, ISB No. 1058
United States Attorney

/s/ Nicholas J. Woychick
NICHOLAS J. WOYCHICK, ISB No. 3912
Assistant United States Attorney
District of Idaho
Washington Group Plaza IV
800 Park Boulevard, Suite 600
Boise, ID 83712-9903
Telephone: (208) 334-1211
Facsimile: (208) 334-1414

UNITED STATES DEPARTMENT OF JUSTICE
RONALD J. TENPAS
Assistant Attorney General
Environment & Natural Resources Division

/s/ Cynthia J. Morris
CYNTHIA J. MORRIS, Attorney
U.S. Department of Justice
Environmental Defense Sec.
P.O. Box 23986
Washington, D.C. 20026
(202) 616-7554

Dated: May 16, 2008

Attorneys for EPA