UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

WINNEBAGO TRIBE OF NEBRASKA, a federally recognized Indian Tribe, Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE ARMY; UNITED STATES DEPARTMENT OF THE ARMY, OFFICE OF ARMY CEMETERIES; CHRISTINE E. WORMUTH, KAREN DURHAM-AGUILERA, RENEA C. YATES, Lieutenant Colonel PRISCELLA A. NOHLE, in their official capacities, Defendants.

1:24-cv-78 - CMH-IDD

MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and E.D. Va. Local Rule 7, and for the reasons set forth in the accompanying memorandum of law, Defendants, through their undersigned counsel, hereby move the Court for an order dismissing Plaintiff's complaint with prejudice.

Dated: May 3, 2024 Respectfully submitted,

BRIAN M. BOYNTON Principal Deputy Assistant Attorney General

JESSICA D. ABER UNITED STATES ATTORNEY

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REBECCA S. LEVENSON Assistant United States Attorney Office of the United States Attorney 2100 Jamieson Avenue Alexandria, Virginia 22314

Tel: (703) 299-3760

Fax: (703) 299-3983

Email: rebecca.s.levenson@usdoj.gov

TODD KIM

Assistant Attorney General U.S. Department of Justice Environment and Natural Resources Division

Peter Kryn Dykema
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
P.O. Box 663
Washington, D.C. 20044-0482
peter.dykema@usdoj.gov
Phone: (202) 305 0436

Fax: (202) 305 0274

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I will today file the foregoing using the court's electronic filing system, which will cause service upon all counsel of record.

/s/ Peter Kryn Dykema Peter Kryn Dykema