

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

SAVE OUR SOUND OBX, INC.; )  
THOMAS ASCHMONEIT; RICHARD )  
AYELLA; DAVID HADLEY; )  
MARK HAINES; JER MEHTA; and )  
GLENN STEVENS, )

Plaintiffs, )

v. )

**JUDGMENT**

NORTH CAROLINA DEPARTMENT OF )  
TRANSPORTATION; JAMES H. )  
TROGDON, III, in his official capacity as )  
Secretary of the North Carolina )  
Department of Transportation; FEDERAL )  
HIGHWAY ADMINISTRATION; and )  
JOHN F. SULLIVAN, III, in his official )  
capacity as Division Administrator for the )  
Federal Highway Administration, )

No. 2:17-CV-4-FL

Defendants, )

and )

DEFENDERS OF WILDLIFE; and )  
NATIONAL WILDLIFE REFUGE )  
ASSOCIATION, )

Intervenor-Defendants. )

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of plaintiffs’ motion for preliminary injunction, defendants’ motion to dismiss for lack of jurisdiction, intervenor-defendants’ motion to dismiss for failure to state a claim and motion to dismiss for lack of jurisdiction, plaintiffs’ motion for summary judgment and defendants’ and intervenor-defendants’ motions for summary judgment.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court’s orders entered August 30, 2017, March 30, 2018, and June 4, 2018, and for the reasons set forth more specifically therein, that plaintiffs’ motion for preliminary injunction is denied, defendants’ motion to dismiss for lack of jurisdiction is denied, intervenor-defendants’ motion to dismiss for failure to state a claim

and motion to dismiss for lack of jurisdiction is denied, plaintiffs' motion for summary judgment is denied, and defendants' and intervenor-defendants' motions for summary judgment are granted.

**This Judgment Filed and Entered on June 4, 2018, and Copies To:**

Michael K. Murphy (via CM/ECF Notice of Electronic Filing)  
Zia C. KeanOatley (via CM/ECF Notice of Electronic Filing)  
Scott T. Slusser (via CM/ECF Notice of Electronic Filing)  
Colin Justice (via CM/ECF Notice of Electronic Filing)  
Mollie McQueen Cozart (via CM/ECF Notice of Electronic Filing)  
Carter Fleeth Thurman (via CM/ECF Notice of Electronic Filing)  
Neal Fowler (via CM/ECF Notice of Electronic Filing)  
Derb S. Carter, Jr. (via CM/ECF Notice of Electronic Filing)  
Kimberley Hunter (via CM/ECF Notice of Electronic Filing)  
Nicholas S. Torrey (via CM/ECF Notice of Electronic Filing)

June 4, 2018

PETER A. MOORE, JR., CLERK

/s/ Susan W. Tripp  
(By) Susan W. Tripp, Deputy Clerk