

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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COMPETITIVE ENTERPRISE)	
INSTITUTE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 13-1532 (RMC)
)	
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Defendant.)	
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ORDER

For the reasons set forth in the Opinion issued simultaneously with this Order, it is hereby

ORDERED that the Environmental Protection Agency’s Motion to Dismiss, Dkt. 10, is **GRANTED IN PART AND DENIED IN PART**; and it is

FURTHER ORDERED that the motion is **GRANTED** with respect to Competitive Enterprise Institute’s claims under the Federal Records Act, the Freedom of Information Act, and the Administrative Procedure Act based on EPA’s record-keeping policies; and it is

FURTHER ORDERED that the motion is **DENIED** with respect to Competitive Enterprise Institute’s Administrative Procedure Act claim against EPA for failure to notify the Archivist and its request for mandamus relief;¹ and it is

¹ The only remaining claims are Count III, Request for Mandamus, and Count IV, CEI’s APA claim for failure to notify the Archivist. All remaining Counts are hereby dismissed.

