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Defendants' Motion to Dismiss, *TVA v. Hill et al*, Civil Action No. 3-76-48

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

HIRAM G. HILL, JR.
ZYGMUNT J. B. PLATER and
DONALD S. COHEN

Plaintiffs

v.

TENNESSEE VALLEY AUTHORITY

Defendant

Civil Action
No. CIV-3-71-48

MOTION TO DISMISS

Defendant Tennessee Valley Authority moves the Court to dismiss this action on the ground that the Court lacks jurisdiction because plaintiffs have failed to comply with the statutory notice requirements for invoking the jurisdiction of this Court under the Endangered Species Act of 1973.

Respectfully submitted,

Herbert S. Sanger, Jr.
General Counsel
Tennessee Valley Authority
Knoxville, Tennessee 37902

Charles A. Wagner III
Assistant General Counsel

Thomas A. Pedersen

CERTIFICATE OF SERVICE

I certify that the foregoing motion, together with brief in support of motion to dismiss and in opposition to motion for injunction, has been served on plaintiffs by hand delivering a copy thereof to the offices of W. P. Boone Dougherty, Esq., Bernstein, Dougherty & Susano, 1200 Hamilton National Bank Building, Knoxville, Tennessee 37902.

This 23rd day of February, 1976.

Attorney for Defendant