

No. 18-260

IN THE SUPREME COURT OF THE UNITED STATES

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COUNTY OF MAUI,

*Petitioner,*

v.

HAWAI‘I WILDLIFE FUND, *ET AL.*,

*Respondents.*

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**RESPONDENTS’ UNOPPOSED MOTION  
TO ALLOCATE TAXABLE COSTS EQUALLY**

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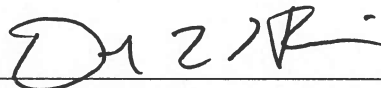
Pursuant to Rules 21.2(c) and 43.2 of the Rules of this Court, Respondents Hawai‘i Wildlife Fund, Sierra Club – Maui Group, Surfrider Foundation, and West Maui Preservation Association respectfully move that the costs that are taxable in this Court pursuant to Rule 43.3 be allocated equally between Respondents and Petitioner County of Maui.

Rule 43.2 provides that, “[i]f the Court reverses or vacates a judgment, the respondent or appellee shall pay costs unless the Court otherwise orders.” In this case, while the Court vacated the judgment of the Ninth Circuit Court of Appeals, slip op. at 18, it also answered the sole question presented—“whether the [Clean Water] Act ‘requires a permit when pollutants originate from a point source but are conveyed to navigable waters by a nonpoint source,’ here, ‘groundwater’”—in favor of Respondents. *Id.* at 1 (quoting Pet. for Cert. i).

Under these circumstances, Respondents submit that it is appropriate for this Court to allocate the taxable costs equally between Respondents and Petitioner. Petitioner does not oppose this motion and has authorized Respondents to state on its behalf that: "The County agrees to stipulate that costs taxable in the Supreme Court under Rule 43.3 be shared 50% by the County and 50% by the Respondents, notwithstanding that the County succeeded in obtaining vacatur of the judgment below."

For these reasons, Respondents respectfully request that the Court order that the costs taxable under Rule 43.3 be paid in equal amounts by Respondents and Petitioner, and that it direct that the judgment prepared by the Clerk under Rule 45.3 so provide.

Respectfully submitted,



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