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No. 79 Original

ALEXANDER L. STEVAS

CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1984

STATE OF OKLAHOMA,

Plaintiff,

-vs-

STATE OF ARKANSAS,

Defendant.

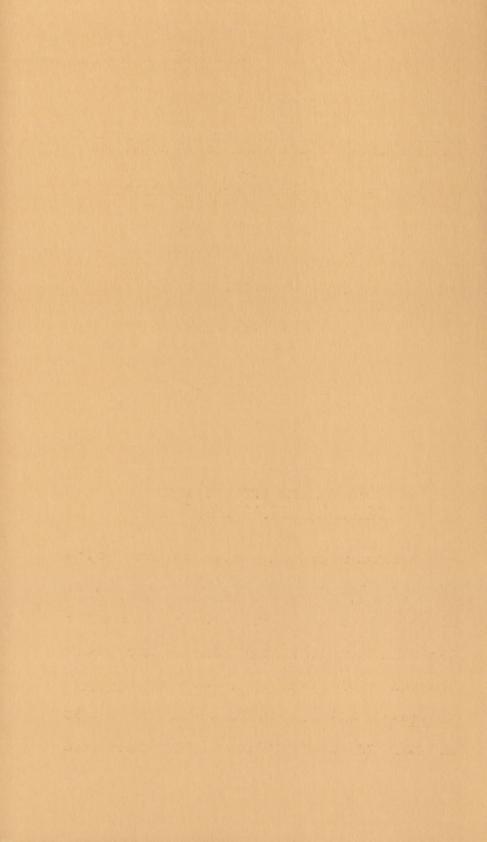
MOTION TO DISMISS BILL
OF COMPLAINT AND COMPLAINT

MICHAEL C. TURPEN ATTORNEY GENERAL OF OKLAHOMA

ROBERT L. MCDONALD FIRST ASSISTANT ATTORNEY GENERAL (Counsel of Record)

112 State Capitol Building Oklahoma City, OK 73105 (405) 521-3921

ATTORNEYS FOR PLAINTIFF



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Pursuant to Rule 53.2 of the Rules of the Supreme Court of the United States, Oklahoma hereby moves to dismiss the Bill of Complaint which this Court granted on October 2, 1978. Oklahoma v. Arkansas, 439 U.S. 812, 99 S. Ct. 71, 58 L. Ed. 2d 104 (1978). All fees and

costs due to the Clerk have been tendered to the Clerk. The remaining costs due the Special Master and the State of Arkansas are still being determined.

From the inception of this action, Oklahoma has conceded that if this Court's decisions pertaining to the doctrine of acquiescence applied to the case at bar, "Oklahoma's claim must fail." (Amended Prehearing Brief of Plaintiff, 43-44). Oklahoma, however, argued that the doctrine was inapplicable in the case at bar because, unlike the prior cases decided by the Court, the instant action involved the changing of an established indentifiable boundary by the unilateral action of Congress "in derrogation [sic] of existing rights established by law. . . . " Id. at 44.

This Court's decision in <u>California</u>
v. Nevada, 447 U.S. 125 (1980), which

held that there is not a relationship between the origins of a boundary and the legal consequences of acquiescence in that boundary, addresses and defeats the distinction argued by Oklahoma.

For the foregoing reason, Oklahoma submits that it is in the best interest of all parties that this action be dismissed.

Respectfully submitted,

MICHAEL C. TURPEN ATTORNEY GENERAL OF OKLAHOMA

ROBERT L. MCDONALD FIRST ASSISTANT ATTORNEY GENERAL

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