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No. 31, Original

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*In the Supreme Court of the United States*

OCTOBER TERM, 1967

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STATE OF UTAH, PLAINTIFF

*v.*

UNITED STATES OF AMERICA

---

ON BILL OF COMPLAINT

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JOINT MOTION FOR LEAVE TO FILE STIPULATION AND BRIEF  
IN SUPPORT THEREOF

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## JOINT MOTION FOR LEAVE TO FILE STIPULATION

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The State of Utah and the United States jointly move the Court for leave to file their stipulation dated March 29, 1968, a copy of which is attached, and, if the stipulation is construed to work an amendment of their respective pleadings, then so to amend said pleadings.

PHIL L. HANSEN,  
*Attorney General of the State of Utah.*

ERWIN N. GRISWOLD,  
*Solicitor General of the United States.*

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## MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE STIPULATION

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On March 29, 1968, the State of Utah and the United States, presently the only parties to this action, entered into the attached stipulation, submitting it to the Special Master and serving copies on potentially affected applicants for intervention, Morton International, Inc., and Great Salt Lake Minerals & Chemicals Corporation. Subsequently, on April 22, 1968, printed copies of the stipulation, including one bearing the manuscript signatures of the Attorney General of Utah and the Solicitor General of the United States, were deposited with the Clerk of this Court. At the suggestion of the Special Master, we are now formally seeking leave to file the stipulation, with a request

that the present motion be referred to the Special Master.

<sup>that</sup> This procedure seems appropriate in light of the fact the stipulation may be viewed as effectively amending the prior pleadings of the parties, action which may require leave of Court under Rule 15 of the Federal Rules of Civil Procedure, arguably applicable to this case by virtue of Rule 9(2) of the Rules of this Court. While the Court's order of June 12, 1967 (388 U.S. 902) might be viewed as authorizing the Special Master to act initially without further order of the Court, the intervening orders of October 23, 1967 (389 U.S. 909) and March 11, 1968 (390 U.S. 977), expressly referring other motions to the Special Master, suggest a like course in this instance.

Respectfully submitted.

PHIL L. HANSEN,  
*Attorney General of the State of Utah.*

ERWIN N. GRISWOLD,  
*Solicitor General of the United States.*

MAY, 1968.







