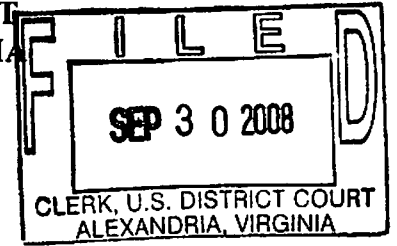


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



SHIPBUILDERS COUNCIL OF)
AMERICA, INC., et al.,)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT OF)
HOMELAND SECURITY, et al.,)
Defendants,)
)
MATSON NAVIGATION COMPANY, INC.,)
Defendant-Intervenor.)

Case No. 1:07cv1234

ORDER

This matter is before the Court on (i) defendants' motion to dismiss (doc. 23); (ii) plaintiffs' motion for summary judgment (doc. 44); (iii) defendants' motion for summary judgment (doc. 49); and (iv) defendant-intervenor's motion for summary judgment (doc. 52).

For the reasons to be stated in a forthcoming memorandum opinion,

It is hereby **ORDERED** that plaintiffs' motion for summary judgment is **GRANTED**.


It is further **ORDERED** that defendants' motion for summary judgment and defendant-intervenor's motion for summary judgment are **DENIED**.

It is further **ORDERED** that defendants' motion to dismiss is **DENIED AS MOOT**.

It is further **ORDERED** that no final order will be entered in this case until the issuance of the memorandum opinion, which will set forth the bases for these rulings and determine whether remand is appropriate. The memorandum opinion will issue in approximately two weeks.

The Clerk is directed to send a copy of this Order to all counsel of record.

**Alexandria, Virginia
September 30, 2008**



**T. S. Ellis, III
United States District Judge**