

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

FILED

JUN 18 2002

The DEPARTMENT OF ENERGY and)
SPENCER ABRAHAM, Secretary of Energy,)
)
Plaintiffs,)
v.)
)
JIM HODGES, Governor of South Carolina,)
)
Defendant.)
_____)

LARRY W. PROPPES, CLERK
COLUMBIA, S.C.
Entered: 6-18-02
CIVIL ACTION NO.
1:02-2078-22

**ORDER GRANTING SUMMARY JUDGMENT TO PLAINTIFFS
AND GRANTING PERMANENT INJUNCTION AGAINST GOVERNOR HODGES**

The Plaintiffs moved for summary judgment declaring that the Executive Order Number 2002-14, entered by Defendant on June 14, 2002, is in violation of the United States Constitution and the Atomic Energy Act of 1954, 42 U.S.C. § 2011 *et. seq.*, and declaring that any action by Defendant, or anyone acting in concert or participation with him, to stop or interfere with shipments of plutonium by the Plaintiffs, would be in violation of the United States Constitution and laws, and further seeking injunctive relief barring such action. The court heard such motions on June 18, 2002. At that hearing, Governor Hodges, through counsel, waived his right to file an answer or present legal argument contrary to the motion for summary judgment, and conceded that he does not oppose entry of summary judgment or injunctive relief, and has no legal authority to offer in opposition thereto.

IT IS HEREBY ORDERED as follows:

That Plaintiffs' motion for summary judgment is granted. Defendant, Jim Hodges, Governor of South Carolina, his successor, and any person or entity acting in concert or participation with him, including his employees, agents, servants, attorneys, and any other person acting or purporting to act on behalf of the State of South Carolina, are hereby PERMANENTLY ENJOINED from physically interfering with, stopping, or attempting to stop the Department of Energy's shipments of plutonium into or through South Carolina.

IT IS SO ORDERED.


CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

DATED: June 18, 2002

Aiken, South Carolina